

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.021/00340/2016

Date of CAV: 25.09.2018

Date of Pronouncement: 08.10.2018

Between:

- 1) Y. Madhava Reddy aged about 53 years
S/o (Late) Shri Y. Veera Reddy
Master Craft's Man, Ticket No. 1189-8, Foundry
Ordinance Factory, Yeddumilaram, Medak - 502205
- 2) V. Venkata Swamy aged about 54 years
S/o V. Vasudevaiah,
Master Craft's Man, Ticket No. 1184-5, Foundry
Ordinance Factory, Yeddumilaram, Medak - 502205
- 3) P. Sudhakar aged about 52 years
S/o (Late) Sri Yellaiah,
Master Craft's Man, Ticket No. 1225-, Foundry
Ordinance Factory, Yeddumilaram, Medak - 502205
- 4) P. Bala Nanda Krishna aged about 53 years
S/o P. (late) Kistaiah, Master Craft's Man, QA/FA,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 5) G. Venkata Goud aged about 55 years
S/o G. Sivaiah, Master Craft's Man, Ticket No. 549-2,FA Shop (Fitter)
Ordinance Factory, Yeddumilaram, Medak - 502205
- 6) G. Subba Raju aged about 53 years
S/o (Late) Sri L. Linga Raju,
Master Craft's Man, Ticket No. 5357, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 7) P. Bikshapati aged about 57 years
S/o Shri P. Bala Rajaiah
Master Craft's Man, Ticket No. 4642, VA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 8) M. Koti Reddy aged about 55 years
S/o M. Ranga Reddy,
Master Craft's Man, Ticket No. 5607, FA Shop, Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 9) E. Yella Reddy aged about 55 years
S/o (Late) Sri Narasa Reddy
Master Craft's Man, Ticket No. 483-1, Examiner, QA, (VIA)
Ordinance Factory, Yeddumilaram, Medak - 502205

- 10) K. Anjayeyulu aged about 53 years
S/o (Late) Sri Sita Ramaiah
Master Craft's Man, Ticket No. 457-7, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak – 502205.
- 11) P. Satyanarayana aged about 58 years
S/o (Late) Shri Murahari
Master Craft's Man, Ticket No. 191-8, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 12) B. Srinivas Reddy aged about 55 years
S/o (Late) Shri B. Venkata Reddy
Master Craft's Man, Ticket No. 555-3, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 13) S. Malla Reddy aged about 57 years
S/o Sri S. Sathi Reddy
Master Craft's Man, Ticket No. 410-6, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 14) Ch. Govinda Raju aged about 52 years
S/o Sri Appala Swamy
Master Craft's Man, Ticket No. 463-5, FA Shop,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 15) A. Murahari aged about 56 years
S/o Sri A. Venkatesham
Master Craft's Man, Ticket No. 919268, FA Shop,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 16) D. Sukhamani aged about 50 years
S/o Sri D. Adivaiah, Master Craft's Man, Ticket No. 919269, FA Shop,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 17) S.N.V Prasad Raju aged about years
S/o Sri S.Rajam Raju
Master Craft's Man, Ticket No. 919254, FA Shop,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 18) P. Ramachandra Rao aged about 52 years
S/o Sri P. Krishna Rao
Master Craft's Man, Ticket No. 118-2, Moulder Foundry
Ordinance Factory, Yeddumilaram, Medak - 502205
- 19) B. Sreenivasa Chary aged about 53 years
S/o Sri Laxmana Chary
Master Craft's Man, Ticket No. 1227-1, Moulder Foundry ,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 20) V. Ravinder aged about 50 years
S/o Sri V. Chandraiah

Master Craft's Man, Ticket No. 1045-8, SMW/SMS,
Ordinance Factory, Yeddumilaram, Medak - 502205

21) G. Vedavyasa chary aged about 54 years

S/o Sri G. Srinivasa Chary

Master Craft's Man, Ticket No. 469-5, Fitter /SMS,
Ordinance Factory, Yeddumilaram, Medak - 502205

22) K. Ramulu aged about 58 years

S/o Sri K. Yellaiah

Master Craft's Man, Ticket No. 27-2, SBO/SMS,
Ordinance Factory, Yeddumilaram, Medak - 502205

23) M. Raju aged about years

S/o Sri M. Israel

Master Craft's Man, Ticket No. 948-4, Wielder/SMS,
Ordinance Factory, Yeddumilaram, Medak - 502205

24) G. George aged about years

S/o Sri G. Harris

Master Craft's Man, Ticket No. 481-7, Fitter VA Shop,
Ordinance Factory, Yeddumilaram, Medak - 502205

25) M. Srinivas aged about years

S/o Sri M. Sita Ramaiah

Master Craft's Man, Ticket No. 319235(494-5), QAI Examiner,
Ordinance Factory, Yeddumilaram, Medak - 502205

26) Y. Ramachandraiah aged about 52 years

S/o Sri Y. anjaiah

Master Craft's Man, Ticket No. 08-3 , VA Shop, OMHE,
Ordinance Factory, Yeddumilaram, Medak - 502205

27) K. K. Murthy Raju aged about 54 years

S/o Sri K. Venkata Rama Raju

Master Craft's Man, Ticket No. 919252, Sec-HMS-CM/TEL,
Ordinance Factory, Yeddumilaram, Medak - 502205

28) K. Koteswara Rao aged about years

S/o Sri K. Bhusaiah

Master Craft's Man, Ticket No. 451-4, Tool Room, Jig Borer
Ordinance Factory, Yeddumilaram, Medak - 502205

29) K. Sadhakar aged about 50 years

S/o Sri K. Prahalad Rao

Master Craft's Man, Ticket No. 919253, CM/T, T/R
Ordinance Factory, Yeddumilaram, Medak - 502205

30) S. Eswara Goud aged about 50 years

S/o Sri S. Anjaiah Goud

Master Craft's Man, Ticket No. 919255, CM/T, QAMI
Ordinance Factory, Yeddumilaram, Medak - 502205

- 31) B. Bal Ram aged about 50 years
S/o Sri B. Ashaiah
Master Craft's Man, Ticket No. 414-3, OMHE, SMS Section,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 32) Y. Sudhakar aged about years
S/o Sri Y.. Venkateswar Rao
Master Craft's Man, Ticket No. 547-8, QA-2 Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 33) M.L.R Prasad aged about 50 years
S/o Sri M.V. Raghavaiah
Master Craft's Man, Ticket No. 374-7, TQA Charge Man,
Ordinance Factory, Yeddumilaram, Medak – 502205.
- 34) A. Chandra Sekhar aged about years
S/o Sri A. Esvaraiah
Master Craft's Man, Ticket No. 1112-7, VA Shop, Wilder
Ordinance Factory, Yeddumilaram, Medak - 502205
- 35) J. Sanjeeva Reddy aged about years
S/o Sri J. Buchi Reddy
Master Craft's Man, Ticket No. 477-9, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 36) Ch. Prabhakar aged about years
S/o Sri Ch. Laxman
Master Craft's Man, Ticket No. 239-7, FA Shop Charge Man,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 37) R. Ramesh Kumar aged about years
S/o Sri R. Laxmaiah
Master Craft's Man, Ticket No. 484-7, QA-2, CM/T,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 38) P.R.M. Rao aged about 57 years
S/o Sri P. Subaiah,
Master Craft's Man, Ticket No. 198-5, FA Shop Fitter,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 39) Md. Habeebuddin aged about 59 years
S/o Sri Sharf Uddin
Master Craft's Man, Ticket No. 423-4, Jig Borer, Tool Room ,
Ordinance Factory, Yeddumilaram, Medak - 502205
- 40) A. Srinivasa Rao aged about years
S/o Sri A.Babaiah, Master Craft's Man, Ticket No.784-4, SMW/SMS,
Ordinance Factory, Yeddumilaram, Medak – 502205.

... Applicants

And

1. The Union of India, Rep. by the Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi – 110 001.
2. The Director General of Ordinance Factories and Chairman Ordinance Factory Board, 10A, Saheed Khudiram Bose Road, Kolkata – 700 001.
3. The Ordinance Factory, Rep. by its General Manager, Govt. of India, Ministry of Defence, Yeddumailaram, Medak, Telangana – 502205.

... Respondents

Counsel for the Applicants ... Mr. T. Koteswara Rao
 Counsel for the Respondents ... Mrs. K. Rajitha, Sr.CGSC

CORAM:

Hon'ble Mr. Justice R. Kantha Rao, Member (Judl)

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

The OA is filed against the orders of the respondents in not granting the 3rd financial upgradation to the applicants vide 1r Nos.Per/I/ACP/MACP/2016, dt.7.3.2016; No. Per/I/01/CR/658 dt.10.07.2015 and letter No.Pay/Tech-II/04/2013/22, dt.31.07.2013.

2. Brief facts are that the applicants are working as Master Craft's Man in the Respondents organisation in P.B -2 with G.P of Rs 4200. Having completed 10 years in this grade the applicants are due for financial upgradation under MACP scheme which was partially denied and hence this OA.

3. The contention of the applicants is that as per para 2 and para 4 of DOPT, O.M dt 19.5.2009 placement in next higher grade pay and pay fixation available at the time of regular promotion shall be allowed @ 3 percent of the total pay in the pay band along with the eligible grade pay. Allowing only 3 percent hike and not placing the applicants in the next higher grade pay is irregular and arbitrary.

4. The respondents claim that the placement of highly skilled workers as Master Crafts Man (MCM) prior to 1.1.2006 will be treated as promotion under MACP. Promotion to non functional post of MCM is to be taken as 2nd financial up gradation. Further MCM being the feeder post to Charge man and since both these posts have identical pay band and grade pay financial upgradation under MACP Scheme cannot be to Grade pay which is more than what is admissible in regular promotion and that as para 8 of MACP, promotion earned in the same grade pay in promotional hierarchy shall be reckoned as financial upgradation in the form of a promotion. Therefore the applicants having been promoted as Chargeman with 3 percent hike in the same grade pay of Rs 4200, it has to be treated as 3rd financial gradation under MACP.

5. Heard the learned counsel and went through the documents on record. The learned counsel for the applicants argued that the MACP scheme provides for the 3rd MACP and that the respondents are denying the same against MACP guidelines which was forcefully opposed by the learned counsel for the respondents stating that para 8 of the MACP scheme of the said guidelines does not provide for the said benefit.

6. The MACP scheme was brought into vogue to avoid stagnation at different levels and motivate employees for better productivity. The guidelines laid down in DOPT Ir dt. 19.5.2009 have to be adhered to, which the respondents did not. The Honourable High Court of Delhi in WP (C) No.9266/2015 dated 9.5.2016 has held that the spirit of the MACP is to allow the employees to move to the next higher grade while dealing with para 8 of the MACP scheme. Further, Grade pay decides the pay band differentiation. When one is kept in the same grade pay it cannot be treated as promotion. The stated promotion of the applicants from MCM to Chargeman is a lateral movement and does not

constitute a promotion. The decision of the Hon'ble Ernakulam Bench of this Tribunal dt. 22.02.2012 in OA No. 484/2011 & batch fully covers this case. Similarly this Tribunal vide OA numbers 649/2016 & batch, decided on 24.09.2018 has held that lateral movement within the grade cannot be treated as a promotion under MACP and that they have to be given financial upgradation. We are also bound by the Hon'ble Supreme Court judgment in Sub-Inspector Rooplal vs Lt. Governor, (2000) 1 SCC 644, wherein it was held that:

“Precedents which enunciate rules of law form the foundation of administration of justice under our system. This is a fundamental principle which every presiding officer of a judicial forum ought to know, for consistency in interpretation of law alone can lead to public confidence in our judicial system. This Court has laid down time and again that precedent law must be followed by all concerned; deviation from the same should be only on a procedure known to law. A subordinate court is bound by the enunciation of law made by the superior courts. A Coordinate Bench of a Court cannot pronounce judgment contrary to declaration of law made by another Bench. It can only refer it to a larger Bench if it disagrees with the earlier pronouncement. “

7. The action of the respondents has been against rules and arbitrary. The impugned orders stated at para 1 are quashed to the extent of not granting MACP. Hence, in view of the merits of the case and as per the citations stated above the O.A fully succeeds. The O.A is thus allowed.

8. The Respondents are therefore directed to consider grant of 3rd financial up gradation to the applicants from the date due along with arrears within a period of 3 months from the date of receipt of this order. No order to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)

Dated, the 8th day of October, 2018

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